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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT RICHLAND**

STATE OF WASHINGTON, *et al.*,

Plaintiffs,

V.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, *et al.*,

Defendants

No. 4:19-cv-5210-RMP

DEFENDANTS' UNOPPOSED
MOTION TO STAY *NUNC PRO
TUNC* DEADLINE TO RESPOND
TO AMENDED COMPLAINT

11/25/2019

Without Oral Argument

**DEFS' MOTION TO STAY *NUNC PRO TUNC*
DEADLINE TO RESPOND TO AM. COMPL.**

U.S. DEPARTMENT OF JUSTICE
1100 L St. NW, Washington, DC, 20003
(202) 305-7664

1 Defendants respectfully move to stay *nunc pro tunc* the deadline for Defendants to
2 file an answer or otherwise respond to Plaintiffs' amended complaint in this case
3 challenging a proposed Department of Homeland Security regulation. The deadline for
4 Defendants to respond was on October 15, 2019 and Defendants respectfully seek a stay
5 of that deadline until the parties have proposed a schedule for the remainder of this
6 litigation. Defendants' counsel conferred with Plaintiffs' counsel about the relief sought
7 herein and Plaintiffs' counsel stated that Plaintiffs do not oppose the relief sought herein.

8 On October 16, 2019, the Court issued a Notice Setting Telephone Scheduling
9 Conference for November 20, 2019. ECF No. 163. Pursuant to that Notice, the parties
10 will confer and will submit a Joint Status Report by November 13, 2019, addressing the
11 topics identified in the Court's Notice, including various scheduling issues. *See id.*
12 Defendants respectfully submit that the parties should confer about the deadline for
13 Defendants to respond to the complaint as part of their upcoming meet and confer
14 process. Defendants believe that this approach will allow the parties to propose a
15 comprehensive schedule addressing all relevant litigation deadlines, including the filing
16 of the administrative record in support of the above-mentioned regulation.

17 Defendants regret that they did not file this motion before the deadline to respond
18 to the amended complaint expired. The deadline fell just days after counsel for
19 Defendants participated in various preliminary injunction hearings for eight cases held in
20 five judicial districts around the country, and counsel inadvertently failed to seek relief
21 from the court before the deadline.

22 For the foregoing reasons, Defendants respectfully request the Court to stay their
DEFS' MOTION TO STAY NUNC PRO TUNC
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1 deadline to respond to the amended complaint pending the parties' forthcoming
2 November 13, 2019 Joint Status Report.

3
4 Dated: October 24, 2019

Respectfully submitted,

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7 ALEXANDER K. HAAS
8 Branch Director

9 s/ Joshua M. Kolsky

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22 DEFS' MOTION TO STAY *NUNC PRO TUNC*
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on October 24, 2019, I electronically filed the foregoing with
3 the Clerk of the Court using the CM/ECF system, which will send notification of such
4 filing to all users receiving ECF notices for this case.

5 _____
6 */s/ Joshua M. Kolsky*

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11 Attorney for Defendants

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